

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff(s),

Case No. 11-CR-20321

v.

Judge Mark A. Goldsmith

GEORGE J. BALCEWICZ, III,

Magistrate Judge Michael Hluchaniuk

Defendant(s).
_____ /ORDER ON APPLICATION TO PROCEED IN FORMA PAUPERIS
AND/OR REQUEST FOR SERVICE OF PROCESS BY UNITED STATES MARSHALThe court having considered the application to proceed *in forma pauperis*:

IT IS ORDERED that the application is:

- ☐ GRANTED
- ☒ DENIED, for the following reasons:
No filing fee is required for filing a 2255 motion.

If denied the plaintiff is directed to pay the filing fee by _____. Failure to pay the filing fee by this deadline may result in dismissal of the complaint.

SERVICE

The court having considered the request¹ of the plaintiff that the court direct service by a United States Marshal. The court finds the plaintiff proceeds:

- ☐ *in forma pauperis* pursuant to 28 U.S.C. § 1915.
- ☐ as a seaman under 28 U.S.C. § 1916.
- ☐ as neither *in forma pauperis* nor as a seaman.

¹ Upon a plaintiff's request, "the court *may* order that service be made by a United States marshal" or another person appointed by the court; "the court *must* so order if the plaintiff is authorized to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 or . . . as a seaman under 28 U.S.C. § 1916." Fed. R. Civ. P. 4(c)(3)(emphasis supplied).

Therefore, IT IS ORDERED that the request for service is:

- ☐ GRANTED, and the clerk is directed to process the complaint and issue the summons for service by the United States Marshal.
- ☒ DENIED, for the following reasons:
N/A

s/Mark A. Goldsmith

Mark A. Goldsmith, U.S. District Judge

Certificate of Service

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on this date by electronic and/or first class mail.

Date: August 20, 2013

s/Deborah J. Goltz

Case Manager/Deputy Clerk